

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

HB 2295 – SB 2282

June 9, 2009

SUMMARY OF AMENDMENT (009722): Deletes all language after the enacting clause and requires any court ordered outpatient evaluation for a child believed to be suffering from mental illness to be completed within 30-days after it is ordered. Removes the court's authority to order inpatient evaluations unless the professional performing the evaluation determines that it cannot be properly done on an outpatient basis. Requires the court to request the services of a crisis response provider when a child alleged to be delinquent or unruly is believed to be experiencing a behavioral health emergency. If the crisis response provider cannot examine the child within two hours of the request, the crisis provider must notify the court and provide instructions for examination of the child. Requires the counties to bear the cost of transporting a child to and from the mental health facility for mental examination or evaluation that has been ordered by the juvenile court judge for a child charged with commission of an offense that would be a felony if committed by an adult. Requires the parents or legal guardians of the child to pay for the transportation expenses if the court determines that they are financially able to pay.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant

Assumptions applied to amendment:

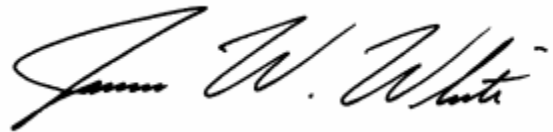
- The Department of Mental Health and Developmental Disabilities (DMHDD) ceased payments of court ordered inpatient mental health evaluations of juveniles who had been charged with commission of an offense that would be a felony if committed by an adult on September 1, 2008, as a result of the Court of Appeals decision *In Re J.B. (E2007-01467-COA-R3-JV)*.

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- Currently, the state contracts with a crisis response provider for these services. According to the Department, there will not be an immediate increase in expenditures to the contract based on the proposed increase in referrals to the crisis response provider. If the number of referrals continues to increase, there could be an increase in the amount of funds necessary for the contract services in future fiscal years.
- Since September 1, 2008, the state has been responsible for the cost of juvenile court ordered outpatient evaluations. The provisions of the bill will codify this current practice.
- According to DMHDD, as a result of the Court of Appeals decision *In Re J.B. (E2007-01467-COA-R3-JV)* the counties have been responsible for the cost of transportation to state mental health facilities for juveniles who are charged with commission of an offense that would be a felony if committed by an adult. The proposed bill as amended will codify the counties' responsibility to cover the cost of transportation which has been the practice since September 1, 2008.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml